

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Barton Wade Shively

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Case No.

*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Barton Wade Shively,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 2 - Aiding and Abetting

18 U.S.C. § 231(a)(3) - Civil Disorder

18 U.S.C. § 111(a)(1) and (2) - Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States or of any agency in any branch of the United States Government while engaged in or on account of the performance of official duties

18 U.S.C. § 1752(a)(1), (2), and (4) - Restricted Building or Grounds

40 U.S.C. § 5104(e)(2)(D)(E) and (F) - Violent Entry, Obstruct or Impede Passage, Engage in Physical Violence on Grounds or any of the Capitol Buildings

Date: 01/18/2021

2021.01.18

12:19:58 -05'00'

*Issuing officer's signature*City and state: Washington, DCZia M. Faruqui United States Magistrate Judge*Printed name and title*

## Return

This warrant was received on (date) 1/19/21, and the person was arrested on (date) 1/19/21  
at (city and state) Harrisburg Pa.Date: 1/19/21*Arresting officer's signature*S Love #5919*Printed name and title*

## UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America

v.

Barton Wade Shively

Case No.

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of \_\_\_\_\_ in the  
\_\_\_\_\_ District of Columbia, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. § 2

18 U.S.C. § 231(a)(3)

18 U.S.C. § 111(a)(1) and (2)

18 U.S.C. § 1752(a)(1), (2), and (4)

40 U.S.C. § 5104(e)(2)(D)(E) and (F)

- Aiding and Abetting
- Civil Disorder
- Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States or of any agency in any branch of the United States Government while engaged in or on account of the performance of official duties
- Restricted Building or Grounds
- Violent Entry, Obstruct or Impede Passage, Engage in Physical Violence on Grounds or any of the Capitol Buildings

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Heather M. Ritter, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Telephone (specify reliable electronic means).

Date: 01/18/2021\_\_\_\_\_  
Judge's signatureCity and state: Washington, DCZia M. Faruqui United States Magistrate Judge

Printed name and title

Print

Save As...

Attach

Reset

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**BARTON WADE SHIVELY,**

**Defendant.**

**Case No:**

**VIOLATIONS:**

**18 U.S.C. § 2  
(Aiding and Abetting)**

**18 U.S.C. § 231(a)(3)  
(Civil Disorder)**

**18 U.S.C. § 111(a)(1) and § 2  
(forcibly assault, resist, oppose, impede,  
intimidate, or interfere with any officer or  
employee of the United States or of any  
agency in any branch of the United States  
Government while engaged in or on account  
of the performance of official duties)**

**18 U.S.C. § 1752(a)(1), (2), and (4)  
(Restricted Building or Grounds)**

**40 U.S.C. § 5104(e)(2)(D)(E) and (F)  
(Violent Entry, Obstruct or Impede  
Passage, Engage in Physical Violence on  
Grounds or any of the Capitol Buildings)**

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**ORDER**

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and

that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: January 18, 2021

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ZIA M. FARUQUI

UNITED STATES MAGISTRATE JUDGE

## UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America

v.

BARTON WADE SHIVELY

*Defendant*

Case No. 1:21-MJ-0008

Charging District's Case No. tba

**WAIVER OF RULE 5 & 5.1 HEARINGS**  
**(Complaint or Indictment)**

I understand that I have been charged in another district, the *(name of other court)* District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1-19-2021

Barton Shively  
*Defendant's signature*

1/19/21

[Signature]

*Signature of defendant's attorney*

TA THORP

*Printed name of defendant's attorney*

UNITED STATES DISTRICT COURT  
for the  
Middle District of Pennsylvania

United States of America  
v.

BARTON SHIVELY

Defendant

Case No. 1:21-MJ-008

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: as directed by video  
*Place*  
at 1:00 PM on the date selected by the court.  
on \_\_\_\_\_  
*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date \_\_\_\_\_

- (✓) (7) The defendant must:

- (✓) (a) submit to supervision by and report for supervision to the \_\_\_\_\_, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.
- (✓) (b) continue or actively seek employment.
- ( ) (c) continue or start an education program.
- (✓) (d) surrender any passport to: Clerk of U.S. District Court
- (✓) (e) not obtain a passport or other international travel document.
- (✓) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to Middle District of Pennsylvania, Maryland + D.C. for court only
- (✓) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: any other co-defendants, victims and witnesses
- ( ) (h) get medical or psychiatric treatment: \_\_\_\_\_
- ( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
- ( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (✓) (k) not possess a firearm, destructive device, or other weapon.
- (✓) (l) not use alcohol ( ) at all (✓) excessively.
- (✓) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (✓) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- (✓) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- (✓) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or
- (✓) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- ( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- (✓) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
- (✓) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (✓) (s) The defendant has agreed to surrender his telephone and will do so within 24 hours and appear for a pre-trial services intake on January 21, 2021 at 9:00 AM at The 7th Floor of The U.S. Courthouse

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



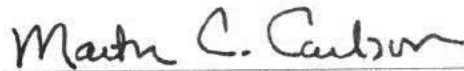
Defendant's Signature

**Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.
- ( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

1-19-2021



Judicial Officer's Signature

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	Docket No. 1:21-MJ-008
v.	:	
	:	(Magisterial District Judge Carlson)
BARTON SHIVELY	:	
	:	(Filed Electronically)

**ORDER**

AND NOW, this 22nd day of January, 2021, upon consideration of Defendant's Unopposed Motion to Modify Conditions of Release, and any response thereto, said Motion is hereby GRANTED. Defendant's Home Detention boundary shall include his entire property. Additionally, a curfew on Defendant's workdays shall be permitted from 7 a.m. to 6 p.m., or as otherwise determined by Pre-Trial Services.

S/Martin C. Carlson  
\_\_\_\_\_  
Judge Martin C. Carlson

## UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America

v.

Barton Shively

*Defendant*

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)

Case No. 1:21-MJ-008

Charging District: District of Columbia

Charging District's Case No. 21-MJ-0106

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: U.S. District Court - District of Columbia  
333 Constitution Ave, N.W., Rm 1225  
Washington, DC 20001

Courtroom No.: Appear by Video as Directed

Date and Time:

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 01/19/2021

s/ Martin C. Carlson

*Judge's signature*

Martin C. Carlson, United States Magistrate Judge

*Printed name and title*

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CLOSED

**United States District Court  
Middle District of Pennsylvania (Harrisburg)  
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00008-MCC-1**

Case title: USA v. SEALED

Date Filed: 01/19/2021

Date Terminated: 01/20/2021

Assigned to: Magistrate Judge Martin C.  
Carlson

**Defendant (1)**

**Barton Wade Shively**  
*TERMINATED: 01/20/2021*

represented by **Thomas A. Thornton**  
Federal Public Defender  
100 Chestnut St  
Suite 306  
Harrisburg, PA 17101  
717-782-2237  
Email: thomas\_thornton@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Terrence J. McGowan**  
Killian & Gephart, LLP  
218 Pine Street  
Harrisburg, PA 17101  
717-232-1851  
Email: tjmcgowan@killiangephart.com  
*ATTORNEY TO BE NOTICED*

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints****Disposition**

18:111(a)(1) - Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States or of any agency in any branch of the United States Government while engaged in or on account of the performance of official duties - Restricted Building or Grounds.

**Plaintiff****USA**

represented by **Scott R Ford**  
 U.S. Attorney  
 228 Walnut Street  
 Suite 220  
 Harrisburg, PA 17101  
 717-614-4905  
 Email: scott.r.ford@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/19/2021	<a href="#"><u>1</u></a>	CRIMINAL COMPLAINT as to Barton Wade Shively (1). (rw) (Entered: 01/19/2021)
01/19/2021	<a href="#"><u>2</u></a>	UNREDACTED COMPLAINT as to Barton Wade Shively. (rw) (Entered: 01/19/2021)
01/19/2021	<a href="#"><u>3</u></a>	ORDER Sealing case until the arrest of the defendant, Barton Wade Shively. Defendant arrested 1/19/21. (rw) (Entered: 01/19/2021)
01/19/2021		Arrest (Rule 40) of Barton Wade Shively. (kjm) (Entered: 01/19/2021)
01/19/2021	<a href="#"><u>5</u></a>	MOTION FOR DETENTION by USA as to Barton Wade Shively. (kjm) (Entered: 01/20/2021)
01/19/2021	<a href="#"><u>6</u></a>	CJA 23 - FINANCIAL AFFIDAVIT by Barton Wade Shively. (kjm) (Entered: 01/20/2021)
01/19/2021	<a href="#"><u>7</u></a>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Barton Wade Shively. Signed by Magistrate Judge Martin C. Carlson on January 19, 2021. (kjm) (Entered: 01/20/2021)
01/19/2021	<a href="#"><u>8</u></a>	WAIVER of Preliminary Hearing by Barton Wade Shively. (kjm) (Entered: 01/20/2021)
01/19/2021	<a href="#"><u>9</u></a>	ORDER Setting Conditions of Release as to Barton Shively. Signed by Magistrate Judge Martin C. Carlson on January 19, 2021. (kjm) (Entered: 01/20/2021)
01/19/2021	<a href="#"><u>10</u></a>	Sealed Document - Unredacted OSCR. (kjm) (Entered: 01/20/2021)
01/19/2021	<a href="#"><u>11</u></a>	ORDER TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Barton Wade Shively. Dft to appear by video as directed. Signed by Magistrate Judge Martin C. Carlson on January 19, 2021. (kjm) (Entered: 01/20/2021)
01/22/2021	<a href="#"><u>12</u></a>	NOTICE OF APPEARANCE: Terrence J. McGowan appearing for Barton Wade Shively (McGowan, Terrence) (Entered: 01/22/2021)



01/22/2021	<a href="#">13</a>	Unopposed MOTION to Modify Conditions of Release by Barton Wade Shively. (Attachments: # <a href="#">1</a> Proposed Order)(McGowan, Terrence) (Entered: 01/22/2021)
01/22/2021	<a href="#">14</a>	ORDER granting deft's motion <a href="#">13</a> to modify CORs re: home detn boundary & curfew. (See order for complete details.)Signed by Magistrate Judge Martin C. Carlson on 1/22/21. (ki) (Entered: 01/22/2021)
01/26/2021	<a href="#">15</a>	ARREST Warrant Returned Executed on 1/19/2021 in case as to Barton Wade Shively. (kjn) (Entered: 01/26/2021)